

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re VICTOR MONDELLI,

Civ. No. 12-4658 (WJM)

Debtor.

ORDER

THIS MATTER is before the Court on Debtor Victor Mondelli's response to this Court's March 21, 2013 Order which afforded Debtor the opportunity to show cause as to why this bankruptcy appeal should not be dismissed in light of Debtor's apparent failure to make arrangements to order and pay for an April 25, 2012 transcript ("the April 25 Transcript") designated by Debtor as an item to be included in the record on appeal; and this Court noting the following:

(1) That the Court's March 21 Order required a response from Debtor "on or before April 1, 2013" and that Debtor's April 2, 2013 response is therefore untimely;

(2) That Bankruptcy Rule 8006 states: "If the record designated by any party includes a transcript of any proceeding or a part thereof, the party shall, immediately after filing the designation, deliver to the reporter and file with the clerk a written request for the transcript and make satisfactory arrangements for payment of its cost";

(3) That Debtor designated the April 25 Transcript as an item to be included in the record of appeal on May 23, 2012, but did not make arrangements to obtain the transcript until April 1, 2013;

(4) That as explanation for this egregiously long delay, Debtor offers the

following: “The failure to order the companion transcript appears to be due to an oversight and due to [Debtor’s] poor financial condition.” (Cert. of Kenneth Rosellini ¶ 6, ECF No. 9.)

(5) That in light of Debtor’s response, which is both untimely, and presents no satisfactory excuse for failing to comply with Bankruptcy Rule 8006, the Court will dismiss Debtor’s appeal. *See In re Callahan*, 211 B.R. 131 (N.D.N.Y. 1997); *In re Gelso Investments V, LLC*, C 03-0312 SI, 2003 WL 22282346 (N.D. Cal. Sept. 30, 2003) *aff’d*, 127 Fed.Appx. 916 (9th Cir. 2005).

IT IS on this 4th day of March, 2013,

ORDERED that Debtor’s appeal is **DISMISSED**.

/s/William J. Martini
WILLIAM J. MARTINI, U.S.D.J.